

Appl. No. 10/698,764  
Amdt. dated April 4, 2005  
Reply to Office Action of Nov. 2, 2004

**REMARKS/ARGUMENTS**

The present amendment is submitted in an earnest effort to advance the case to issue without delay.

Claims 4 – 11 were rejected under 35 U.S.C. 112, second paragraph. More specifically, Claim 4 was said to lack a positive antecedent basis of the terms “said pedal assembly” and “said seat.” Applicant has now amended Claim 1 to provide the proper positive antecedent basis.

Claims 5 – 10 were said to be allowable if rewritten to overcome the rejection under 35 U.S.C. 112, second paragraph, and to include all the limitations of the base claim and any intervening claims.

Applicant thanks the Examiner for the indication of allowable subject matter. In accordance therewith, new independent Claim 29 is a combination of original Claims 1, 4 and 5. New independent Claim 30 is a combination of original Claims 1, 4 and 6. Both of these claims are also amended to rectify any antecedent basis informality.

Claim 1 has been retained in amended form except this claim now combines the elements of original claims 2 and 3. The Examiner is respectfully requested to reconsider the patentability of amended Claim 1.

Claims 1 – 3 were rejected under 35 U.S.C. 102(b) as anticipated by Lee (U.S. Patent No. 6,036,210). Applicant traverses this rejection.

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The fundamental advantage of the present invention is the multi flexibility of the tricycle frame. The system allows a position wherein peddling is done by hand activation of pedal assembly 16. The rider's feet in this arrangement are placed on the footrests 20 which provide necessary torque for steering. Alternatively, a pedal assembly can be operated by the rider's feet in a more traditional arrangement. Here, the rider's hands are now moved to operate the handle assembly 18. In essence, the tricycle of the present invention has three assemblies for placement of hands/feet in contrast to the usual two assemblies.

Lee was cited for disclosing a tricycle comprising a pair of handles or footrests 32. This reference is typical of the traditional two assemblies for placement of hands/feet. There is little flexibility for any rearrangement. The "third assembly" provided by the claimed invention is missing from this reference. Novelty is not lacking.

Claims 1 – 4 were rejected under 35 U.S.C. 102(e) as anticipated by Kettler (U.S. Patent Application No. US2001/0035626 A1). Applicant traverses this rejection.

Kettler suffers from the same deficiency as Lee. This reference has a pedal assembly 22 and a handle assembly 8, 14. But absent from this reference is a "third assembly." Not only must there be a pair of handles and a pedal assembly but there also must be separate footrests (disposed on the rear main frame). Kettler does not disclose the latter feature. Novelty is not lacking.

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In view of the foregoing amendment and comments, the Examiner is requested to reconsider the rejection and now allow all the claims.

Dated: April 4, 2005

Respectfully submitted,

MALINA & ASSOCIATES, P.C.

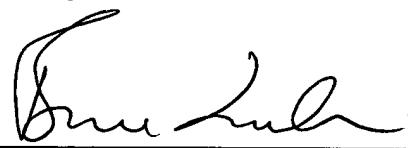
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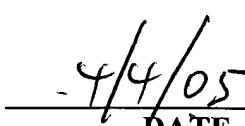
  
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